

DETAILED ACTION

1. This action is in response to the amendment and remarks received on September 20, 2010.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6, 8-17, 19-21 and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siegel et al. (USPN 7,334,379) in view of Schoonen et al. (USPN 6,152,364) and Charhut et al. (USPN 5,208,762).

In reference to claims 1-4, 6, 8-17, 19-21 and 25-30, Siegel al. discloses a method and system for filling containers 45 with tablets, the system comprising: a reception means 12 (column 2 lines 38-41, 59-63; column 3 lines 18-33); a tablet dispensing station 80 including a plurality of tablet type automatic dispensers 82, 84, 86 each having a common magazine; allocation means (not shown) designed for determining from the data entered in the reception means the number of tablets of the respective types of tables to be allocated to a respective tablet container and the availability of the tablets (column 1 line 59-column 2 line 1, 31-49; column 4 lines 27-30); tablet container closing means 40; a tablet container filling system 32, 47 having structure to support an information carrier 32 and a tablet container conveyor 44; information carrier 32 including a bar-code and consumption instructions; an information carrier reader 42

that confirms supply of tablets in tablet dispenser prior to packaging/sealing of tablets in tablet container 83 (column 7 lines 4-6); a rejection station 43 that removes improperly filled tablet containers (removes all containers, including improperly filled containers); and an accumulation station 65, 88 that collects all tablets required to fill an order.

Although Siegel et al. discloses a method including the step of dosing a prescription order specific to a patient, wherein the order is initially reviewed by a pharmacist (column 1 lines 45-47), Siegel et al. does not disclose a "plausibility check" of the filled prescription as defined on page 3 paragraph 4 of Applicant's specification. Schoonnen et al. teaches a method of filling a prescription using an automated system, wherein a plausibility check is made on prescription data entered into that data input system of the automated system (column 3 lines 1-14). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the method of Siegel et al. to include a plausibility check, since column 3 line 1 and lines 12-14 of Schoonnen et al. state that such a modification prevents unnecessary mistakes, specifically the inappropriate combination of tablets/medications.

Charhut et al. teaches a method of dosing a prescription order into a tablet container, wherein during the implementation of a table filling process, the tablet filling process is stopped and the tablet container is eliminated from a queue of tablet containers. It would have been further obvious to one having ordinary skill in the art to modify the method of Siegel et al. to also include a stop filling step, since column 7 lines 5-20 of Charhut et al. suggests that such a modification permits a continuous prescription order process while removing improperly filled tablet containers during the filling process.

4. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siegel et al. (USPN 7,334,379) in view of Schoonen et al. (USPN 6,152,364) and Charhut et al. (USPN 5,208,762) as applied to claim 11, and further in view of Kim (USPN 6,449,921).

Regarding claims 22 and 23, Siegel et al. discloses a method and system for filling containers with tablets, comprising a tablet dispensing station 80 including a plurality of tablet type automatic dispensers 82, 84, 86 each having a common magazine. Siegel et al. discloses a variety of automatic dispensers to be oriented in a stationary magazine, such that each dispenser contains a respective type of tablet to be dispensed to a common accumulation section. Kim teaches a method and system for filling containers with tablets, the system comprising: a reception means 51; a tablet dispensing station including at least one automatic dispensers 44 of a plurality of types of tablets having a common magazine 16 with replaceable buffer containers 52, and a rotary dispenser 14; allocation means 12 designed for determining from the data entered in the reception means 51 the number of tablets of the respective types of tables to be allocated to a respective tablet container 68; tablet container closing means 76. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the method and system of Siegel et al. to include a rotary dispenser, since 1 lines 33-49 of Kim states that such a modification is space efficient and improves tablet supply performance.

Response to Arguments

5. Applicant's arguments with respect to claims 1-4, 6, 8-17, 19-23 and 25-30 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendment filed on September 20, 2010.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GLORIA R. WEEKS whose telephone number is (571)272-4473. The examiner can normally be reached on M-W & F 8:30am-12:30pm, 3:30pm-6:30pm and 9pm-10pm; Th 9am-2pm, 4pm-6pm and 9pm-10pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Other helpful telephone numbers are listed for applicant's benefit:

- Allowed Files & Publication (888) 786-0101
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